

1411

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/901,098	KITAZAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nhan T. Tran	2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/3/2005, 11/09/2004 and phone interview 3/10/2005.
2. ☒ The allowed claim(s) is/are 1-12, 45 and 46.
3. ☒ The drawings filed on 10 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>3/10/2005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>11/9/04; 11/12/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|   | 9. <input type="checkbox"/> Other _____.  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/3/2005 & 11/9/2004 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 11/9/2004 & 11/12/2004 were filed after the mailing date of the Final Office Action on 8/11/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

3. Applicant's arguments, see amendment, filed 11/09/2004, with respect to claims 1, 6-8, 10, 45 & 46 have been fully considered and are persuasive. The rejection of these claims is withdrawn.

### EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Surinder Sachar on 3/10/2005.

Please amend claim 1 as set forth below:

Claim 1 (Currently Amended): An imaging apparatus comprising:

an imaging optical system;

an image pickup unit which receives an object image passing through said imaging optical system and converts it to image information;

a shake detection unit which detects shake detection information of said imaging apparatus;

a prediction arithmetic unit which calculates predictive shake information based on the detected shake detection information, and then calculates a predictive shake vector based on the predictive shake information and, determines a position as a start position of a correcting operation of said a shake correction unit based on said predicted shake vector and at which said predictive shake vector is canceled out;

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a said shake correction unit ~~which corrects~~ correcting image blurring on said image pickup unit based on the shake detection information detected by said shake detection unit from the correcting-operation start position; and

a control unit which controls driving of said shake correction unit at the correcting-operation start position and corrects the image blurring,

wherein a range of shake to be detected during an exposure time is predicted before exposure and said shake correction unit is moved to the correcting-operation start position, and subsequently the correcting operation and an exposure operation are performed.

#### ***Election/Restrictions***

5. Claim 1 is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 2-5, 9, 11 & 12 directed to the other species no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

*Allowable Subject Matter*

6. Claims 1-12, 45 & 46 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, the prior art of record fails to teach or fairly suggest the *combination of all limitations* required in claim 1 that includes "...a prediction arithmetic unit which calculates predictive shake information based on the detected shake detection information, and then calculates a predictive shake vector based on the predictive shake information and, determines a position as a start position of a correcting operation of said a shake correction unit based on said predicted shake vector and at which said predictive shake vector is canceled out; a said shake correction unit which corrects correcting image blurring on said image pickup unit based on the shake detection information detected by said shake detection unit from the correcting-operation start position; and a control unit which controls driving of said shake correction unit at the correcting- operation start position and corrects the image blurring, wherein a range of shake to be detected during an exposure time is predicted before exposure and said shake correction unit is moved to the correcting-operation start position, and subsequently the correcting operation and an exposure operation are performed."

Regarding independent claim 10, the prior art of record also fails to teach or fairly suggest the *combination of all limitations* in claim 10 that includes "...calculating predictive shake information based on the shake detection information; calculating a predictive shake vector based on the predictive shake information; determining a position as a start position of

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correcting operation of said shake correction unit and at which predictive shake vector will be canceled out; driving the shake correction unit to the correcting-operation start position based on said predictive shake vector; and correcting the image blurring by controlling driving of said shake correction unit at the correcting-operation start position, wherein a range of shake to be detected during an exposure time is predicted before exposure and said shake correction unit is moved to the correcting-operation start position, and subsequently the correcting operation and an exposure operation are performed.”

Regarding claims 2-9 & 45, these claims are either directly or indirectly dependent of claim 1.

Regarding claims 11,12 & 46, these claims are dependent of claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 262 2615